

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHAEL KITCHEN,

Plaintiff,

vs.

Case No. 17-cv-11627  
HON. GEORGE CARAM STEEH

O'BELL T. WINN, WILLIAM  
FOY, NANNIE CULBERSON,  
THOMAS HAYNES, KETURAH  
MORRIS, MARK CHALKER,  
BRADLEY ODETTE, BOBBY  
KARL, TONY GLYNN, BRIAN  
TROMBLEY, and UNKNOWN  
SUPERVISORS OR GUARDS,

Defendants.

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ORDER ACCEPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION (DOC. 31)

This matter is before the Court on a motion for summary judgment filed by defendants O'Bell Winn, William Foy, Nannie Culberson, Thomas Haynes, Keturah Morris, Mark Chalker, Bradley Odette, Bobby Karl, Tony Glynn, and Brian Trombley. (Doc. 25). On April 20, 2018, Magistrate Judge Anthony P. Patti issued a report and recommendation recommending that defendants' motion be granted in part and denied in part; denying the motion as it relates to dismissal on the basis of failure to exhaust and granting the motion as it relates to dismissal of plaintiff Michael Kitchen's

claims for money damages against defendants in their official capacities.  
(Doc. 31 at PageID 309).

The Court has reviewed the file, record, and magistrate judge's report and recommendation. Objections to that report have not been filed within the established time period. The Court accepts the report and recommendation. Accordingly,

IT IS HEREBY ORDERED that the magistrate judge's report and recommendation is accepted.

IT IS FURTHER ORDERED that defendants' motion for summary judgment is GRANTED IN PART AND DENIED IN PART. Plaintiff's claims for money damages against defendants in their official capacities shall be DISMISSED.

IT IS SO ORDERED.

Dated: May 22, 2018

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on May 22, 2018, by electronic and/or ordinary mail and also on Michael Kitchen #189265, Carson City Correctional Facility, 10274 Boyer Road, Carson City, MI 48811.

s/Barbara Radke  
Deputy Clerk